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WAYNE LEE HAUZER

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) Case No. 2:22-CR-93-DAD-1
)
Plaintiff,) STIPULATION AND ORDER TO CONTINUE
) STATUS CONFERENCE AND EXCLUDE TIME
vs.)
) Date: April 25, 2023
WAYNE LEE HAUZER,) Time: 9:30 A.M.
) Judge: Hon. Dale A. Drozd
Defendant.)
_____)

IT IS HEREBY STIPULATED and agreed by and between United States Attorney Phillip A. Talbert, through Assistant United States Attorney Shelley Weger, counsel for Plaintiff, and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha, counsel for Mr. Hauzer, that the status conference, currently set for April 25, 2023, may be **continued to May 23, 2023 at 9:30 a.m., with a time exclusion under Local Code T4 from April 25, 2023 through and including May 23, 2023.**

The parties hereby stipulate as follows:

1. On August 25, 2022, the Honorable Chief Judge Kimberly J. Mueller reassigned this case to the Honorable Judge Dale A. Drozd. ECF 24. The parties previously entered exclusions of time through and including April 25, 2023.

2. The defense moves to continue the status conference to May 23, 2023 and requests an exclusion of time under Local Code T4 from April 25, 2023 through and including May 23,

2023.

3. The parties specifically agree and further stipulate, and request that the Court find the following:

a. The indictment in this matter was filed on April 28, 2022. ECF No. 14.

b. The government has produced discovery that consists of over 5,600 pages of Bates-labeled items, which include investigative reports, search warrants, third party records, audio recordings of the defendant's statements, and a 762-page document containing a sanitized version (with all material covered by 18 U.S.C. § 3509(m) removed) of certain key evidence that was extracted from defendant's cell phone. In addition, the government has made physical evidence available for defense review at the FBI's Roseville office. The physical evidence includes electronic devices, a firearm, ammunition, and evidence that must stay in the possession of the government pursuant to 18 U.S.C. § 3509(m). Defense counsel has conducted an initial review of the physical evidence at FBI, including reviewing some of the alleged child pornography.

c. Since the start of the case, the defense has been reviewing and analyzing the above, conducting legal research, meeting with Mr. Hauzer (who is now in custody at the Yuba Jail), consulting with experts, conducting a factual investigation, and otherwise preparing for trial.

d. The above tasks are ongoing, and the defense requires additional time to conduct legal research pertaining to the guidelines and sentencing matters, and otherwise prepare for trial.

e. Accordingly, the defense respectfully requests to continue the status conference to May 23, 2023.

f. Defense counsel believes that failure to grant the requested continuance would deny her the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

- 1 g. The government does not object to the continuance.
- 2 h. Based on the above-stated findings, the ends of justice served by continuing the
- 3 case as requested outweigh the interest of the public and the defendant in a trial
- 4 within the original date prescribed by the Speedy Trial Act.
- 5 i. For the purpose of computing time under 18 U.S.C. § 3161 *et seq.* (the Speedy Trial
- 6 Act), within which trial must commence, the time period between April 25, 2023
- 7 through and including May 23, 2023, is deemed excludable pursuant to 18 U.S.C.
- 8 § 3161(h)(7)(A), (B)(iv) (Local Code T4), because, if granted, it would result from
- 9 a continuance granted by the Court at the defendant's request, based on a finding
- 10 that the ends of justice served by granting the continuance outweighs the best
- 11 interest of the public and Mr. Hauzer in a speedy trial.

12 4. Nothing in this stipulation and order shall preclude a finding that other provisions

13 of the Speedy Trial Act dictate that additional time periods are excludable from the period within

14 which a trial must commence.

15 IT IS SO STIPULATED.

16 Respectfully submitted,

17 HEATHER E. WILLIAMS
18 Federal Defender

19 Date: April 20, 2023

/s/ Christina Sinha
20 CHRISTINA SINHA
21 Assistant Federal Defender
22 Attorneys for Defendant
23 WAYNE LEE HAUZER

24 Date: April 20, 2023

25 PHILLIP A. TALBERT
26 United States Attorney

/s/ Shelley Weger
27 SHELLEY WEGER
28 Assistant United States Attorney
Attorneys for Plaintiff

ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order. Good Cause Appearing, the status conference previously scheduled for April 25, 2023 is continued to May 23, 2023, at 9:30 a.m. and time is excluded under Local Code T4 from April 25, 2023 through and including May 23, 2023.

IT IS SO ORDERED.

Dated: April 20, 2023


UNITED STATES DISTRICT JUDGE